IN THE UNITED STATES DISTRICT COURT WESTERN DISTRICT OF MISSOURI ST. JOSEPH DIVISION

FREDERICK S. MOORE, JR., d/b/a DUB 47 ENTERTAINMENT,)
Plaintiff,)
v. ERIC POWELL, CITY OF ST. JOSEPH, MISSOURI, and ST. JOSEPH, MISSOURI POLICE DEPARTMENT,)) No. 05-6080-CV-SJ-FJG))
Defendants.)

ORDER

Currently pending before the Court is defendant Michael Chester's motion to quash purported service of process (Doc. No. 45).

Defendant Chester asserts that he was not properly personally served with process in this action pursuant to Rule 4 of the Federal Rules of Civil Procedure. In particular, defendant Chester notes that a copy of an unsigned summons and the first amended complaint was left with Lorie Butterfield, the bookkeeper at the law offices of Shughart Thomson & Kilroy, P.C. See Doc. No. 44. Shughart Thomson & Kilroy is counsel of record for certain of the other defendants; however, it has not been authorized to accept service on behalf of defendant Chester. Defendant argues that plaintiff's purported service should be quashed on this basis. Defendant also notes that the summons is not signed by the Clerk, as required by Rule 4(a), and therefore should be quashed on that basis as well. Plaintiff filed no response to the pending motion.

To meet the requirements of the Federal Rules of Civil Procedure and Missouri law,

personal service on the defendant must be made in order to effectuate proper service. See

Fed. R. Civ. P. 4(e); R.S.Mo. § 506.150. This does not appear to have been done in this

matter.

Consequently, it is hereby **ORDERED** that defendant Chester's motion to quash

service (Doc. No. 45) is **GRANTED.**

IT IS FURTHER ORDERED that the Clerk of the Court send a copy of this order via

regular and certified mail to plaintiff at the following address:

Frederick S. Moore, Jr.

506 S. 20th Street

St. Joseph, Missouri 64501

IT IS SO ORDERED.

/S/ FERNANDO J. GAITAN, JR.

Fernando J. Gaitan, Jr. United States District Judge

Dated: February 23, 2006

Kansas City, Missouri

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